WPSB No. 881 of 2002

Hon. P.C. Verma, J.
Hon. Irshad Hussain, J.

Heard Sri S.Dhulia, learned counsel for the petitioner.

The petitioner is a Junior Engineer in the Tehri Hydro Development Corporation. The grievance of the petitioner is that the petitioner is eligible to be promoted under the old rules regulating the promotion, which was seniority subject to fitness. On account of pendency of the departmental proceedings, the petitioner could not be promoted during the period the rule was in force.

The rules has subsequently been amended and now new rule has been substituted regulating the promotion of the Junior Engineer to the Post of Assistant Engineer. As per new rules, the promotion is to be made by way of inter departmental promotion by written examination. The petitioner has not challenged the vires of these rules. According to the petitioner, since he was eligible to be promoted under the old rules, therefore, he should be considered for promotion under the old rules. The grievance of the petitioner is mis-conceived.

Since the rules have been substituted, the petitioner is to be considered according to the new rules and not according to the old rules, which stood superseded by the new rules. Therefore, the petition is devoid of merit. The same is dismissed accordingly.

It is open for the petitioner to approach to the Public Service Triobunal for the redressal of his grievance. However, if the proper application for condonation of delay is moved before the Public Service Tribunal, the Tribunal shall consider the same.

(Irshad Hussain, J.) **(P.C. Verma, J.)**

Dt 22.07.2002

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